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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON E. BENSON : CIVIL ACTION
V. : NO. 1:CV-00-1229
WILLIAM G. ELLIEN, M.D., et al. : (Judge Caldwell)
 : (Magistrate Judge Blewitt)

FILED
SCRANTON
JUL 23 2001
DEPUTY CLERK

MOTION OF DEFENDANT, WILLIAM G. ELLIEN, M.D.
FOR LEAVE TO DEPOSE JASON E. BENSON

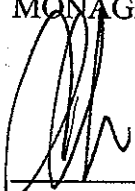
1. Jason E. Benson ("Benson") has filed an action against William G. Ellien, M.D. ("Ellien") and various codefendants contending that they violated his constitutional rights.
2. Benson is currently confined as a prisoner at the State Correctional Institution at Smithfield ("SCI-Smithfield").
3. Ellien in an attempt to defend himself needs to take the deposition of Benson.
4. Federal Rule of Civil Procedure 30(a) states that:

The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.
5. Ellien asks the Court to permit the deposition of Benson to be taken at SCI-Smithfield where Benson resides as an inmate within thirty days of the Court's order. This provides sufficient time for counsel for Ellien, counsel for the codefendants and the Warden of SCI-Smithfield to agree on a date mutually convenient for all involved.
6. This also provides for the deposition of Benson at a date early enough in the litigation to permit everyone to prepare for trial or to be in the position to file any dispositive motions.
7. Without taking the deposition of Benson, Ellien lacks the ability to prepare adequately for trial or to determine the appropriateness of a motion for summary judgment.

WHEREFORE, defendant, William Ellien, M.D. respectfully request that his motion for leave to depose Jason Benson be granted.

MONAGHAN & GOLD, P.C.

BY:



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